

REMARKS

Applicant has carefully studied the outstanding Official Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

The application as examined included claims 11 - 14, 16 - 17, 19 - 20 and 23 - 30. Claims 1 - 10, 15, 18 and 21 - 22 were previously cancelled. In the present response, claims 11, 14, 19 - 20 and 23 are amended and claims 12 - 13, 16 - 17 and 24 - 30 are unchanged.

Claims 11, 14, 20 and 23 - 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Knox (U.S. Published Patent Application No. 2002/0194122) in view of Koppel (U.S. Published Patent Application No. 2002/0026418) and further in view of Nhaissi (U.S. Published Patent Application No. 2005/0203835). Claim 26 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Knox in view of Koppel, further in view of Nhaissi, and further in view of Meier (U.S. Published Patent Application No. 2003/0102376).

Claims 12 - 13, 16 - 17, 19, 27 - 28 and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Knox in view of Koppel, further in view of Nhaissi, and further in view of Wu (U.S. Published Patent Application No. 2003/0046249). Claim 29 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Knox in view of Koppel, further in view of Nhaissi, further in view of Wu, and further in view of Meier.

Knox describes a process for determining whether a prepaid card customer is credit worthy by analyzing deposits and purchases transactions associated with the account of the customer and advancing credit on prepaid card purchases in response to the determination of creditworthiness.

Koppel describes a method for providing pre-paid anonymous electronic debit cards compatible with an existing network of credit cards.

Nhaissi describes a method of pre-paid Internet access, including accessing the Internet using a prepaid account, which access deducts from a balance of

said account and performing one or more activities while connected to the Internet.

Wu describes a prepaid card terminal connected via a global communications network to a remote central server adapted to store and maintain account data associated with a prepaid card. Meier describes a system for processing image data, corresponding to a scene, comprising an imaging device and an image reading instruction indicia.

Claim 11 is amended to more clearly define the point of sale terminal of the present invention and to recite “when said prepaid card is presented in payment by said customer” and “to communicate said credit card number to a credit card server which is operative to process a credit card transaction, charging said payment to said credit card account.” Support for the amendments to claim 1 is found, inter alia, in the application as published (U.S. Published Patent Application 2007/0078767) in paragraphs [0007], [0023] and [0027].

Applicant respectfully submits, as discussed below, that the Point of Sale (POS) terminal of the present invention, as recited in amended claim 11, including, inter alia, an input device, operative to receive prepaid card identification indicia from a prepaid card issued to a customer by a prepaid card issuer when the prepaid card is presented in payment by the customer, where the prepaid card issuer has a credit card account identified by a credit card number, and a processor, operative using the prepaid card identification indicia to identify the credit card number, where the credit card number is different from the prepaid card identification indicia, and to communicate the credit card number to a credit card server which is operative to process a credit card transaction, charging the payment to the credit card account, is not shown or suggested by the cited prior art, either alone or in combination.

The Examiner rejected claim 11 based on the combination of Knox, Koppel and Nhaissi. In the Examiner’s response to the Applicant’s arguments, the Examiner wrote: (Office Action, page 4)

“... Nhaissi specifically discloses that ‘when a credit card is used to connect to the Internet, a virtual pre-paid card is created (Nhaissi: page 17, paragraph 276) ... Nhaissi shows ‘credit card number being different from said prepaid card identification indicia.’ Knox specifically discloses that ‘funds can be transferred into the customer’s

account using a credit card' (Knox: page 2, paragraph 19), and that 'the credit card need not be the customer's credit card' (Knox: page 2, paragraph 19). Thus, the credit card can be a credit card of some other party, e.g., the credit card of the prepaid issuer. Therefore, Knox in view of Nhaissi discloses 'a credit card number associated with said credit card account of said prepaid card issuer, said credit card number being different from said prepaid card identification indicia.'"

Again, in the Advisory Action mailed February 22, 2010, the Examiner wrote:

"Examiner used Knox reference to disclose that a credit card number is associated with credit card account of prepaid card issuer and Nhaissi reference to modify Knox reference to show that prepaid card identification indicia is different from the credit card number. Therefore the combination of Knox and Nhaissi discloses creation of a virtual prepaid card using the credit card account of the prepaid card issuer."

As recited in amended claim 11, the point of sale device of the present invention includes an input device operative to receive prepaid card identification indicia from a prepaid card when the prepaid card is presented for payment by a customer and a processor operative to identify a credit card number of a credit card account of the prepaid card issuer and to communicate the credit card number to a server which is operative to process a credit card transaction charging the payment to the credit card account.

As noted above, the Examiner cited paragraph 276 of Nhaissi as showing 'credit card number being different from said prepaid card identification indicia' and paragraph 19 of Knox as showing that "funds can be transferred into the customer's account using a credit card," and that "the credit card need not be the customer's credit card." The Examiner then states since the credit card need not be the customer's credit card, that the credit card can be the prepaid card issuer's credit card. (Office Action, page 4)

Applicant submits that both paragraph 276 of Nhaissi and paragraph 19 of Knox **do not relate to using the prepaid card to pay for a purchase**, rather both

paragraph 276 of Nhaissi and paragraph 19 of Knox **relate to using a credit card to add value to a prepaid card**. Even if one were to accept the Examiner's combination of Knox and Nhaissi, the result would not be the point of sale terminal of the present invention, which is operative to charge a credit card account of a prepaid card issuer for **purchases associated with the prepaid card**, rather the result would be a system and method **for adding value to a prepaid card** using a credit card of the prepaid card issuer.

Therefore, as stated above, applicant submits that none of the prior art, either alone or in combination, show or suggest the point of sale terminal of the present invention, as recited in amended claim 11, including, inter alia, an input device, operative to receive prepaid card identification indicia from a prepaid card when the prepaid card is presented for payment by a customer, and a processor, operative to identify a credit card number of a credit card account of the prepaid card issuer, where the credit card number is different from the prepaid card identification indicia, and to communicate the credit card number to a server which is operative to process a credit card transaction charging the payment to the credit card account of the prepaid issuer, and that amended claim 11 is patentable.

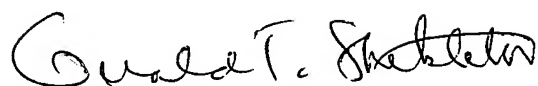
Claims 14, 19 - 20 and 23 are amended to provide proper antecedent basis for all elements recited therein in light of the amendments to claim 11.

Claims 12 - 14, 16 - 17, 19 - 20 and 23 - 30 each depend directly or ultimately from claim 11 and are patentable.

Applicant reserves the right to pursue the claims as filed in the context of a continuation application.

In view of the foregoing remarks, all of the claims are believed to be in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink that reads "Gerald T. Shekleton". The signature is written in a cursive, flowing style.

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